

**DURHAM, NORTH CAROLINA
MONDAY, NOVEMBER 18, 2002
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Absent: None.

Also present: City Manager Marcia L. Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order and at that time he announced that the Special City Council Meeting has been continued to Tuesday, November 19, 2002 at 2:00 p.m. in the Committee Room. Immediately following was the pledge of allegiance.

Council Member Clement read a resolution memorializing Cardoza McCollum, Sr. (Mac).

Mayor Bell recognized Lorisa Seibel with Durham Affordable Housing Coalition who introduced Duke students who worked with students from Eastway Elementary School through the Campaign for Decent Housing. The student council from Eastway presented the City Council with a banner "Our Safe and Happy Homes."

The Mayor asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Conner requested that Consent Item #41 [Compensation and Classification Plan] be removed from the agenda and announced that the Economic Incentives public hearing will be held December 2, 2002. Also, she noted there is a supplemental agenda item to receive a report from the Audit Subcommittee on the audit of the City's contract procedures.

City Attorney Blinder noted he has follow-up information for Consent Item #43 [Rolling Hills].

City Clerk Gray requested that a resolution honoring MaryAnn E. Black be added to the agenda for adoption.

SUBJECT: RESOLUTION HONORING MARYANN E. BLACK

MOTION by Council Member Clement seconded by Council Member Edwards to add an item to the agenda and to adopt a resolution honoring MaryAnn E. Black was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #8929

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Also, the City Clerk informed Council of a valid protest petition filed against GBA #32 [Rezoning Case P02-49 -- Cornwallis Road Flex Space].

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Items #7 [Voluntary Annexation Petitions], #8 [Major Site Plan – Cole Mill Place Apartments & Office] #24 [Martin Luther King, Jr. Streetscape, Improvements, Phase I] and #25 [Fayetteville Road Widening Project] were pulled from the Consent Agenda.

MOTION by Council Member Clement seconded by Council Member Edwards to approve the Consent Agenda as amended was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES - CITY CLERK'S OFFICE

MOTION by Council Member Clement seconded by Council Member Edwards to approve the City Council minutes for the following meeting was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

October 21, 2002 - Regular Meeting

SUBJECT: WORKFORCE DEVELOPMENT BOARD - RECEIPT AND ACCEPTANCE OF APPLICATIONS AND REAPPOINTMENTS

MOTION by Council Member Clement seconded by Council Member Edwards to receive and accept applications and to reappoint the following citizens as recommended by the Greater Durham Chamber of Commerce for appointments to the Workforce Development Board. These terms will expire July 1, 2004 was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

REPRESENTING PRIVATE SECTOR

CIMORELLI, Don (WM)

CONNER, Stephen (WM)

COX, Billie Jean (WF)

GILBERT, Deborah (WF)

MISTRETTA, John J. (WM)

SMITH, Stephen R. (WM)

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REPRESENTING COMMUNITY-BASED ORGANIZATIONS

MOORE, Tim (WM)

WHITE, Thomas J. (WM)

REPRESENTING PUBLIC SECTOR

KEEFE, Kathy B. (WF)

INGRAM, William G. (WM)

SUBJECT: HOUSING APPEALS BOARD - APPOINTMENT

MOTION by Council Member Clement seconded by Council Member Edwards to appoint Carena R. Brantley to the Housing Appeals Board as an ALTERNATE MEMBER representing the category of Law -- term to expire June 30, 2004 was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: DURHAM CIVIC CENTER AUTHORITY - APPOINTMENT

MOTION by Council Member Clement seconded by Council Member Edwards to appoint George E. Stanziale, Jr. to the Durham Civic Center Authority -- term to expire July 31, 2005 was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: RESOLUTION MEMORIALIZING FRED D. MCNEILL, JR.

MOTION by Council Member Clement seconded by Council Member Edwards to adopt a Resolution Memorializing Fred D. McNeill, Jr. was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #8930

SUBJECT: VOLUNTARY ANNEXATION PETITIONS - SUBMITTED PRIOR TO JULY 1, 2002 - DAVIS HEIRS PROPERTY; BENNINGTON SUBDIVISION; NC 55 / SEDWICK PROPERTY; LEXINGTON PARK; EAGLE'S POINT – PHASE III

MOTION by Council Member Clement seconded by Council Member Edwards to receive a report from the Administration on the voluntary annexation petitions; and

To accept the City Clerk's certification of 100% ownership as required by N.C. General Statutes 160A-58 and 160A-31; and

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To adopt resolutions establishing public hearings for December 2, 2002 on the following submitted voluntary petition annexations: Davis Heirs Property; Bennington Subdivision; NC 55 / Sedwick Property; Lexington Park; Eagle's Point – Phase III was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #8931 – 8932 – 8933 – 8934 - 8935

**SUBJECT: MAJOR SITE PLAN - DURHAM COUNTY ANIMAL SHELTER
D02-372**

MOTION by Council Member Clement seconded by Council Member Edwards to approve a Major Site Plan, D02-372, submitted by Duane K. Stewart & Associates, on behalf of the County of Durham, consisting of an addition of 7,822 square feet to the existing 14,148 square foot Durham County Animal Shelter, to include a 6,620 square foot kennel and 1,202 square feet in additional office space, zoned 1-2 (F/J-B), located on the north side of Club Blvd., west of Glenn Road, and east of Dearborn Drive. (Tax Map 618-01-001A)(PIN 0842-01-28-4655), City Atlas Page 19, Section A-2 was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: MAJOR SITE PLAN AND PRELIMINARY PLAT -- THAXTON
PLACE AT HOPE VALLEY FARMS (POD MM) PHASE IIA (SITE
PLAN CASE D02-448)**

MOTION by Council Member Clement seconded by Council Member Edwards to approve a Major Site Plan and Preliminary Plat for an addition of 20 two-story townhome units in three buildings to a development currently under construction and located north of Juliette Drive and Brenmar Lane, east of Ramblewood Avenue and west of South Roxboro Street in Hope Valley Farms, Pod MM, with 40 motor vehicle parking spaces on a +/-1.67 acre site, zoned PDR 3.44 was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH
EPHESUS CHURCH ROAD DEVELOPMENT, L.L.C. - MARENA
PLACE**

MOTION by Council Member Clement seconded by Council Member Edwards to authorize the City Manager to enter into a water and sewer extension agreement with Ephesus Church Road Development, L.L.C. to serve Marena Place was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council

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Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: WATER EXTENSION AGREEMENT WITH HOPE CREEK CHURCH OF THE NAZARENE, INC. - HOPE CREEK CHURCH

MOTION by Council Member Clement seconded by Council Member Edwards to authorize the City Manager to enter into a water extension agreement with Hope Creek Church of the Nazarene, Inc. to serve Hope Creek Church was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: WATER EXTENSION AGREEMENT - FARRINGTON ROAD BAPTIST CHURCH, INC. - FARRINGTON ROAD BAPTIST CHURCH

MOTION by Council Member Clement seconded by Council Member Edwards to authorize the City Manager to enter into a water extension agreement with Farrington Road Baptist Church, Inc. to serve Farrington Road Baptist Church was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: SEWER EXTENSION AGREEMENT WITH TICON, INC. - GLEN PARRISH

MOTION by Council Member Clement seconded by Council Member Edwards to authorize the City Manager to enter into a sewer extension agreement with Ticon, Inc. to serve Glen Parrish was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: LICENSE AGREEMENT WITH ARE-100/800/801 CAPITOLA, L.L.C. - ALSTON TECH PARK, LOT 2

MOTION by Council Member Clement seconded by Council Member Edwards to authorize the City Manager to enter into a license agreement with ARE-100/800/801 Capitola, L.L.C. to serve Alston Tech Park, Lot 2 was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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SUBJECT: STREET ACCEPTANCE – HOPE CREEK (PHASE 2) – PROVIDENCE RIDGE

MOTION by Council Member Clement seconded by Council Member Edwards to accept certain streets in Hope Creek, Phase 2, and Providence Ridge as listed for maintenance by the City of Durham was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Hope Creek – Phase 2

- 1. Branchwood Drive** – from the end of Phase I – Pickett’s Crossing north thru the cul-de-sac (1,274’); and
- 2. Forest Edge Trail** - from the west property line of Lot 86 west to the west property line of Lot 72 (248’); and
- 3. Shady Oak Trail** – from the west property line of Lot 82 west to the west property line of Lot 68 (248’).

Providence Ridge

- 1. Kemmont Road** – from the end of existing roadway north then east thru the cul-de-sac (1,458’); and
- 2. Middleton Road** - from the centerline of Kemmont Road east to the existing roadway in Penrith Subdivision (547’); and
- 3. Highgrove Lane** – from the centerline of Kemmont Road east thru the cul-de-sac (355’); and
- 4. Providence Ridge Lane** – from the centerline of the Middleton Road north thru the cul-de-sac (220’).

SUBJECT: STOP SIGNS - PEBBLESTONE DRIVE - COVE HOLLOW DRIVE - CLEARFIELD DRIVE - BOWLER DRIVE - WEBER COURT

MOTION by Council Member Clement seconded by Council Member Edwards to adopt an ordinance to authorize the installation of stop signs at the following locations was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- (a) Pebblestone Drive at Fletchers Chapel Road, southwest corner (Ridgefield Subdivision);
- (b) Cove Hollow Drive at Pebblestone Drive, southeast and northwest corners (Ridgefield Subdivision);
- (c) Cove Hollow Drive at Bowler Drive, northwest corner (Ridgefield Subdivision);
- (d) Clearfield Drive at Pebblestone Drive, northwest and southeast corners (Ridgefield Subdivision);
- (e) Clearfield Drive at Bowler Drive, northwest corner (Ridgefield Subdivision);
- (f) Bowler Drive at Pebblestone Drive, northeast corner (Ridgefield Subdivision);

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- (g) Bowler Drive at Fletchers Chapel Road, southwest corner (Ridgefield Subdivision);
and
- (h) Weber Court at Bowler Drive, southeast corner (Ridgefield Subdivision)

Ordinance #12690

SUBJECT: ON-STREET PARKING ORDINANCES – LAWSON STREET – ALFRED STREET – ONSLOW STREET – WESTERN PARK PLACE – DUPREE STREET

MOTION by Council Member Clement seconded by Council Member Edwards to adopt an ordinance to repeal was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

1. Ordinance #11353, adopted February 16, 1998, establishing no parking on the south side of Lawson Street in the area beginning at the west curb line of Concord Street, if extended, and extending westward for a distance of 50 feet; and
2. Ordinance #12657, Paragraph (e), adopted September 16, 2002, establishing no parking on the east and west side of Alfred Street in the area beginning at the south curb line of Riddle Road, if extended, and extending for a distance of 78 feet southwardly.

Ordinance #12691

MOTION by Council Member Clement seconded by Council Member Edwards to adopt an ordinance prohibiting parking was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

1. On the west side of Onslow Street in the area beginning at the north curb line of Green Street, if extended, and extending 30 feet northwardly;
2. On the south side of Lawson Street in the area beginning at the west curb line of Concord Street, if extended, and extending 85 feet westwardly;
3. On the east and west sides of Alfred Street in the area beginning at the south curb line of Riddle Road, if extended, and extending 140 feet southwardly; and
4. On the south side of Western Park Place in the area beginning at the east curb line of Operations Drive, if extended, and extending 40 feet eastwardly.

Ordinance #12692

MOTION by Council Member Clement seconded by Council Member Edwards to adopt an ordinance to establish handicap parking was approved at 7:50 p.m. by the following

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vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

1. On the west side of Onslow Street in the area beginning at a point 30 feet north of the north curb line of Green Street, if extended, and extending for a distance of 25 feet northwardly; and
2. On the south side of Dupree Street in the area beginning at a point 407 feet east of the east curb line of Alston Avenue, if extended, and extending for a distance of 25 feet eastwardly.

Ordinance #12693

SUBJECT: CLUB BOULEVARD SCHOOL PARKING – GLENDALE AVENUE

MOTION by Council Member Clement seconded by Council Member Edwards to adopt an ordinance to repeal was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

1. Ordinance #10601, adopted September 18, 1995, establishing prohibited parking at any time, except for school buses only, on the west side of Glendale Avenue in the area beginning at the north curb line of Club Boulevard, if extended, and extending to the south curb line of Chamberlin Avenue; and
2. Ordinance #3274, adopted May 3, 1971, establishing no parking on the east side of Glendale Avenue in the area beginning at a point at the south curb line of Chamberlin Avenue, if extended, and extending from that point southwardly to the north curb line of Club Boulevard.

Ordinance # 12694

MOTION by Council Member Clement seconded by Council Member Edwards to adopt an ordinance prohibiting stopping, standing, and parking was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

1. On the west side of Glendale Avenue in the area beginning at the north curb line of Club Boulevard, if extended, and extending to the south curb line of Chamberlin Avenue, during the hours of 8:15 a.m. and 9:15 a.m. and 3:15 p.m. to 4:15 p.m. on schools days; and
2. On the east side of Glendale Avenue in the area beginning at the north curb line of Club Boulevard, if extended, and extending 382 feet northwardly.

Ordinance #12695

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**SUBJECT: SPEED LIMIT REDUCTION - ASHFIELD DRIVE - PACES
FERRY DRIVE- STARWOOD LANE- BRICKSTONE PLACE -
VALLEY DRIVE - SIMMONS STREET- KIRBY STREET- RIDGE
WOOD - ROCKFORD ROAD- HICKORY STREET**

MOTION by Council Member Clement seconded by Council Member Edwards to adopt an ordinance authorizing a speed limit of 25 mph at the following locations was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- a) Ashfield Drive from Guess Road to Paces Ferry Drive (Ashfield Place),
- b) Paces Ferry Drive from Ashfield Drive to Brickstone Place (Ashfield Place),
- c) On Starwood Lane from Paces Ferry Drive to end of city maintenance (Ashfield Place),
- d) Brickstone Place from Paces Ferry Drive to end of city maintenance (Ashfield Place),
- e) Valley Drive from Holt School Road to the west intersection of Sanderson Drive,
- f) Simmons Street from Lincoln Street to end of city maintenance,
- g) Kirby Street from Rockford Street to end of city maintenance (Emorywood Orchard),
- h) Ridge Wood Street from Kirby Street to Road (Emorywood Orchard),
- i) Rockford Road from Chowan Avenue to Lansing Avenue (Emorywood Orchard) and,
- j) Hickory Street from Simmons Street to Jacob Street.

Ordinance #12696

SUBJECT: UPGRADE OF 911 TELEPHONE EQUIPMENT

MOTION by Council Member Clement seconded by Council Member Edwards to adopt an ordinance to amend FY 03 Budget Ordinance #12575 to reflect appropriation of \$441,056 from the Wireless Surcharge to be used for upgrade of the 911 telephone equipment and approval of the contract for the upgrade was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12689

**SUBJECT: MATCHING GRANT TO DOC ARTS, INC. FOR THE FULL
FRAME DOCUMENTARY FILM FESTIVAL**

MOTION by Council Member Clement seconded by Council Member Edwards to authorize the City Manager to enter into a contract with Doc Arts, Inc. for the Full Frame Documentary Film Festival in the amount of \$40,000 from the Downtown Business Assistance Fund was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell,

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Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: SALES AND SOLICITATION ORDINANCE OPTIONS

MOTION by Council Member Clement seconded by Council Member Edwards to accept a report from the Administration on various alternatives to the existing Sale and Solicitation Ordinance was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: TAXICAB SURVEY RESULTS - DURHAM CONVENTION AND VISITORS BUREAU (DCVB)

MOTION by Council Member Clement seconded by Council Member Edwards to receive Taxicab Survey Results presented by the Durham Convention and Visitors Bureau (DCVB) was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: PURCHASING PROCEDURES AND POLICIES

MOTION by Council Member Clement seconded by Council Member Edwards to receive a report from the Administration regarding the City of Durham's purchasing procedures and policies was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: KENT FLETCHER

This was a citizen's matter who did not come to the Work Session.

SUBJECT: MELVIN L. WHITLEY

The citizen's matter regarding the expansion of the minimum housing policy was referred to staff.

SUBJECT: MCLAURIN PARKING COMPANY

This was a citizen's matter. Comments were received from McLaurin Parking Company.

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SUBJECT: EAST DURHAM FAIR SHARE

This citizen's matter regarding the small area plan and an economic stimulus package for East Durham was referred to staff.

**SUBJECT: DOWNTOWN STREETScape IMPROVEMENT PROGRAM
PHASE I AND II**

MOTION by Council Member Clement seconded by Council Member Edwards to approve 75% design plans for the Downtown Streetscape Improvement Program Phase I and II; and

To authorize design completion and bid advertisement for construction was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: ROLLING HILLS

City Attorney Blinder reported that up to the \$860,000 principal balance owed the City, the City's bid is done without having to pay that money into the Clerk of Court.

MOTION by Council Member Clement seconded by Council Member Edwards to receive a presentation from the Administration on Rolling Hills was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: TRIANGLE REGION PUBLIC TRANSPORTATION
CONSOLIDATION PROJECT**

MOTION by Council Member Clement seconded by Council Member Edwards to authorize the City Manager to pay \$16,000 for the preparation of the Triangle Region Transit Consolidation/Implementation Plan was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[ITEMS PULLED FROM CONSENT AGENDA]

**SUBJECT: MAJOR SITE PLAN - COLE MILL PLACE APARTMENTS &
OFFICE D01-730**

To approve a Major Site Plan for an 11-unit apartment building with 500 square feet of office located on a 1.1 acre site at the corner of Cole Mill Road and East Oak Drive.

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Dennis Doty, of the City/County Planning Department, briefed Council on the staff report.

The following individuals spoke in opposition to the major site plan for Cole Mill Place Apartments & Office noting concerns relative to the ordinance, impervious surface, proposed use, traffic and safety: Ron Sieber, Elizabeth Puckett, Desdemona Faison, Barry Allen, L. C. Meachum, Ramona Freshwater, Jana Mundy and Barbara Ellertson,

Will Anderson, representing the applicant, noted the site plan is in full compliance with the ordinances and urged Council to approve it.

Council held discussion on the impervious surface.

City Attorney Blinder briefed Council on the basis for denying a major site plan noting the only basis would be if Council found that the applicant did not meet one of the technical criteria for approval in the ordinance.

Council Member Stith asked the administration if the applicant has met all criteria.

Frank Duke, City/County Planning Director, replied yes.

Council held discussion on Mr. Bobby Haywood's meeting with the residents, proposed use, minor technical corrections, impact of delay, upkeep of property and landscaping.

Several Council Members raised a concern with this item.

Mayor Bell made comments about the issue of landscaping and suggested that the City/County Appearance Commission review the site plan and that the developer meet with the neighborhoods again to see if there is any compromise.

Frank Duke, City/County Planning Director, noted the administration would bring back the site plan with any comments made by City/County Appearance Commission.

MOTION by Council Member Clement seconded by Council Edwards to refer the Major Site Plan for Cole Mill Place Apartments & Office to the City/County Appearance Commission and to request that the developer meet with the residents regarding their concerns was approved at 8:32 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: VOLUNTARY ANNEXATION PETITIONS - SUBMITTED PRIOR TO OCTOBER 1, 2002 - ELEMENTARY A (DURHAM PUBLIC SCHOOLS); MARENA PLACE; HOPE CREEK CHURCH OF NAZARENE, INC.; FARRINGTON ROAD BAPTIST CHURCH; MAIDA VALE; BRASSFIELD

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LaVonnia Allison, representing DCABP, raised a concern with the voluntary annexation petition for Elementary A (Durham Public Schools). She noted questions have been raised concerning the tax-exempt status, transit corridor, size and location of development.

Stella Adams, of 4128 Cobblestone Place, raised a concern with voluntary annexation petitions. She noted there should be a policy in place to make sure there is some interest or benefit to the City Durham.

MOTION by Council Member Clement seconded by Council Member Stith to receive a report from the Administration on the voluntary annexation petitions; and

To accept the City Clerk's certification of 100% ownership as required by N.C. General Statutes 160A-58 and 160A-31; and

To adopt resolutions establishing public hearings for December 16, 2002 on the following submitted voluntary petition annexations: Elementary A (Durham Public Schools); Marena Place; Hope Creek Church of Nazarene, Inc.; Farrington Road Baptist Church; Maida Vale; Brassfield effective December 31, 2002 was approved at 8:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #8936 – 8937 – 8938 – 8939 – 8940 - 8941

**SUBJECT: CONTRACT ST-218 MARTIN LUTHER KING JR.
STREETSCAPE IMPROVEMENTS, PHASE I - SOUTHERN
GARDEN, INCORPORATED**

Mayor Pro Tempore Cheek raised a concern with the high amount in the contingency and engineering fund for streetscape improvements. Also, he requested the administration to provide periodic reports on this project.

MOTION by Council Member Stith seconded by Council Member Clement to authorize the City Manager to execute a contract with Southern Garden, Incorporated in the amount of \$797,872; and

To establish a contingency and engineering fund for the streetscape improvements of \$120,129; and

To authorize the City Manager to negotiate change orders for Contract ST-218 Martin Luther King Jr. Streetscape Improvements, Phase I provided that the cost of all change orders does not exceed \$120,129 and the total project cost does not exceed \$918,000 was approved at 8:42 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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**SUBJECT: ACQUISITION OF PROPERTY FOR THE FAYETTEVILLE
ROAD WIDENING PROJECT - SYNC, LLC**

MOTION by Council Member Stith seconded by Mayor Pro Tempore Cheek to approve the acquisition of a fee simple right of way and construction easement, and to compensate for damages to the remainder of the property owned by Sync, LLC, for the Fayetteville Road Widening Project for \$57,400 was approved at 8:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[GENERAL BUSINESS AGENDA]

**SUBJECT: AMENDMENTS TO THE COMPENSATION AND
CLASSIFICATION PLAN (CONTINUED FROM THE 11-04-02 CITY
COUNCIL MEETING)**

To amend the City of Durham's Compensation and Classification Plan, adopted July 1, 2002, to include three new titles of Chief of Purchasing and Contracts, Fiscal and Management Services Director, and Employee Relations Director.

The City Manager requested that this item be removed from the agenda.

SUBJECT: PHONE BILL FOR NECD ECONOMIC REINVESTMENT, INC.

Budget Director Julie Brenman made comments on this item noting the address on the phone bill was never changed from the City of Durham to NECD. Also, it was indicated that the City of Durham never notified Verizon that the City was no longer responsible for the phone bill.

Council held discussion on whether or not NECD was notified that they were responsible for paying the phone bill, phone charges, amount of bill (no more than \$2,500), and the number of lines [8 lines].

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to authorize the City Manager to make a payment to Verizon for the outstanding bills for phone service used by NECD Economic Reinvestment during July through October 2002 was approved at 8:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Clement and Edwards. Noes: Council Members Best, Cole-McFadden and Stith. Absent: None.

**SUBJECT: MARSHALL GROUP CONTRACT – BARNES AVENUE
INITIATIVE**

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Charlene Montford, Housing & Community Development Director, gave an overview of the November 17, 2002 memo which highlighted responses to questions/concerns raised by Council at the November 7th City Council Meeting and the scope of services for Neighboring Concepts, Ezra Nehemiah Group and The Marshall Group.

Council held discussion on the scope of services/quality of work for The Marshall Group and the completion of the Blight Study.

Relative to the Blight Study, Planning Director Frank Duke noted the Planning Commission's certification of the Blight Study will come to Council at the December 16, 2002 City Council Meeting.

Council Member Cole-McFadden requested that there be further discussion on Neighboring Concepts and Ezra Nehemiah Group at the November 21, 2002 City Council Work Session.

Housing & Community Development Director Charlene Montford noted the request for proposals (RFP) for Barnes Avenue are due November 22, 2002.

Mayor Bell asked the administration if timetable for Barnes Avenue redevelopment plan would be impacted by the suspension of The Marshall Group.

Housing & Community Development Director Charlene Montford replied no.

MOTION by Council Member Stith seconded by Mayor Pro Tempore Cheek to suspend all work of the Marshall Group for project management services to assist with the development of Barnes Avenue was approved at 9:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Mayor Bell requested the administration to provide a cash flow statement for the Barnes Avenue project [how money will be spent for project, expenditure of funds by date and the item].

Charlene Montford noted staff will provide cash flow statement at the November 21, 2002 City Council Work Session.

Rev. Curtis Gatewood, representing NAACP, noted discussions relative to The Marshall Group or any other contracts should be handled in-house rather than having court in the newspaper.

Stella Adams, representing the NC Fair Housing Center, spoke in support of The Marshall Group. She noted hopefully they would be reconsidered through the RFP process to continue their work.

SUBJECT: DATA DOWNTOWN TERMINAL

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Terry Mangum, of the Police Department, reported on the two efforts [short and long term] the Police Department is working on at this time to address crime at the DATA Downtown Terminal. He discussed the schedule for police coverage, the mobile substation and the CATT officers riding buses until December 7 for the short-term solution. For the long-term solution, Mr. Mangum made comments about a Transit Police Unit of four officers and supplemental coverage by DATA.

Rev. Curtis Gatewood, representing the NAACP, noted this is an opportunity for all organizations to work together and thanked the City Manager regarding the rest room issue at the terminal.

MOTION by Council Member Clement seconded by Council Member Stith to receive a report from the Police Department regarding the crime concerns at the DATA downtown terminal was approved at 9:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: ZONING TEXT AMENDMENT - TECHNICAL CHANGES TO SECTION 15 OF THE ZONING ORDINANCE [TC135-02]

Planning Department Recommendation: Approval

Frank Duke, City/County Planning Director, briefed Council on the technical changes concerning this item.

Mayor Bell opened the public hearing. No one spoke on this item and the Mayor declared the public hearing closed.

MOTION by Council Member Stith seconded by Council Member Clement to receive public comment on zoning text amendment TC 135-02 (Technical Changes to Section 15); and

To adopt an ordinance amending the Durham Zoning Ordinance to make technical corrections clarifying the wording of Section 15 concerning Planning Commission procedures and governing body procedures, reinstalling provisions for initial rezonings and adding criteria for expedited hearings was approved at 9:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12697

SUBJECT: INITIAL ZONING - (CASE P02-43) - CITY OF DURHAM (SWANN'S MILL A) – HEBRON ROAD, WEST OF OLD OXFORD ROAD AND EAST OF HILLVIEW TERRACE SUBDIVISION

November 18, 2002

Zoning Committee Recommendation and Vote: Approval - (5-1)
Planning Department Recommendation: Approval

Frank Duke, City/County Planning Director, briefed Council on the staff report.

Mayor opened the public hearing and no one spoke in support or opposition to this item.

The public hearing was declared closed by the Mayor.

MOTION by Council Member Clement seconded by Council Member Stith to receive public comment on rezoning Case P02-43; and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in initial zoning Case P02-43 out of R-20 (County) and placing same in and establishing same as R-20 (City) was approved at 9:31 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: STREET CLOSING (SC02-9) - 385.50+ LINEAR FEET OF CARR STREET – JACKSON STREET - AMERICAN CAMPUS, LLC - CARR STREET BETWEEN PETTIGREW STREET AND WILLARD STREET, ADJACENT TO THE AMERICAN CAMPUS PROJECT.

To hold a public hearing and receive public comment on the closing of Carr Street between Pettigrew Street and Willard Street or some portion thereof, and approximately 230.5 linear feet of Jackson Street west of Carr Street; and

To adopt an “order permanently closing approximately 1,490 linear feet of Carr Street and approximately 230 linear feet of Jackson Street.”

Frank Duke, City/County Planning Director, briefed Council on the street closing and requested this item be continued for one cycle to address some issues relative to American Tobacco.

Mayor Bell opened the public hearing and no one spoke in favor or opposition to this item.

MOTION by Council Member Clement seconded by Council Member Edwards to continue the public hearing without further advertising to the December 2, 2002 City Council Meeting was approved at 9:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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SUBJECT: ZONING MATTER CASE P02-49 - CORNWALLIS ROAD FLEX SPACE - AKRON PROPERTIES NC, LIMITED PARTNERSHIP – SOUTH SIDE OF CORNWALLIS ROAD, WEST OF THE NEW RAMP BEING CONSTRUCTED AT THE CORNER OF CORNWALLIS ROAD AND CHAPEL HILL ROAD

To receive public comment on rezoning Case P02-49 (Cornwallis Road Flex Space); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-49 out of R-5, R-20 and placing same in and establishing same as CT(D).

Zoning Committee Recommendation and Vote: Approval - (5-2)

Planning Department Recommendation: Approval

[Valid protest petition has been filed against this rezoning]

Frank Duke, City/County Planning Director, briefed Council on the staff report discussing the committed elements of the development plan. Also, he noted the proposal is consistent with the West-Northwest-Durham Plan and staff's recommendation is for approval.

Mayor Bell opened the public hearing.

Proponent

Kenneth Wrenn, representing the applicant, spoke in support of this rezoning request. He made comments about the proposed use, small area plan, improvements of intersection at Cornwallis Road and Chapel Hill Boulevard. He noted the proposed project would be a positive addition to the commercial area.

Opponents

Mary Brower, of 1114 W. Cornwallis Road, spoke in opposition to this rezoning citing the following concerns: egress/ingress, no traffic light/stop sign [Pickett and Cornwallis], the number of trucks, no sidewalks, traffic and property value.

Velma Rohla, of 1118 W. Cornwallis Road, spoke in opposition to this rezoning stating there would be a definite increase in the noise level.

Matt Jenkins, of 3902 Haven Drive, spoke in opposition to this request due to traffic impacts and the need for a much heavier vegetative buffer on the plan. Also, he urged the City Council to require a buffer for this property to deal with the surface runoff if rezoned.

Council Member Stith asked the administration about the buffer, drainage and traffic concerns expressed.

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Frank Duke, City/County Planning Director, noted the development plan indicates the applicant would provide the Class 3 buffer (30') as required under the zoning ordinance. Also, he briefed Council noting the applicant has indicated they will comply with the requirements of ordinance which establishes the buffer widths, the storm water analysis was reviewed and approved by the Storm Water Division meeting all the City's requirements, there would be an increase in traffic and TIA may be required at the time of site plan approval based on the actual uses proposed and noted staff does not know what the noise level will be at this point in the process.

Rebuttal

Kim Griffin, representing the applicant, stated he was surprised that a protest petition was filed against this rezoning. He urged Council to approve this rezoning.

Mayor Bell declared the public hearing closed.

MOTION by Council Member Stith seconded by Mayor Pro Tempore Cheek to receive public comment on rezoning Case P02-49 (Cornwallis Road Flex Space); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-49 out of R-5, R-20 and placing same in and establishing same as CT(D) was approved at 10:01 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: REZONING MATTER CASE P02-26 – RIVERMIST – THE JOHN R. MCADAMS COMPANY; BOB ZUMWALT, RLA – EAST SIDE OF FARRINGTON ROAD, SOUTH OF NC54, NORTH OF STAGECOACH ROAD

To receive public comment on rezoning Case P02-26 (Rivermist); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-26 out of RD and placing same in and establishing same as PDR-1.65; F/J-B.

Zoning Committee Recommendation and Vote: Denial - (3-4)
Planning Department Recommendation: Approval

Dick Hails, of the City/County Planning Department, briefed Council on the staff report commenting on the use and noting the request is consistent with the Thoroughfare and Triangle Township Plans. Also, he noted staff's recommendation is for approval and the Zoning Committee's recommendation is for denial due to existing school overcrowding.

Mayor Bell opened the public hearing.

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Proponent

Attorney Jack Markham, representing the applicant, spoke in support of this rezoning. He made comments about the lot size, development plan, ponds, tree perimeter and requested that Council approve this rezoning request.

No one spoke in opposition to this rezoning.

Council held discussion on the lot sizes.

The public hearing was closed by the Mayor.

Frank Duke, City/County Planning Director, acknowledged that preserving of existing ponds and tree perimeter preservation along Fayetteville Road are not committed elements and asked the applicant if they are committing these elements.

Attorney Jack Markham, representing the applicant, noted the applicant is willing to make them committed elements.

Frank Duke, City/County Planning Director, asked Council to approve the item with the additional commitments made by the applicant. Also, he outlined the committed elements on the plan as follows: tree perimeter preservation along Fayetteville Road, preservation of existing ponds, street ingress/egress locations, improved open space area, minimum lot size 12,500 square feet, soft surface walking trails and a maximum of 108 lots.

MOTION by Council Member Stith seconded by Council Member Clement to receive public comment on rezoning Case P02-26 (Rivermist); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-26 out of RD and placing same in and establishing same as PDR-1.65; F/J-B with additional improvements/notes on the plan noted by the applicant [tree perimeter preservation along Fayetteville Road and preservation of existing ponds] was approved at 10:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

MOTION by Council Member Best seconded by Council Member Stith to extend the meeting beyond 10:00 p.m. was approved at 10:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: MAJOR USE PERMIT - R.N. HARRIS ELEMENTARY SCHOOL
M02-02 – THE ROBERTS GROUP – SOUTHEAST CORNER OF
COOPER AND BACON STREETS**

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To approve a Major Use Permit for an expansion to an existing public school to allow a 112 student increase in student enrollment.

City Clerk Gray swore in the following individuals: Frank Duke, Dennis Doty, Dick Hails, Ronix Owens, Hugh Osteem and Amber Farrelly.

Mayor Bell explained the proceedings for a major special use permit hearing.

The Mayor asked Council to reveal any possible conflicts and to withdraw from this hearing if necessary. Also, Mayor Bell asked if any Council Member had been exposed to any evidence or information that may not come out at the hearing tonight.

Mayor Pro Tempore Cheek disclosed that he represents Durham Technical Community College and does not have any interest in the property.

The Mayor asked the attorney for the applicant and for opponents or a representative from each to identify themselves. It was indicated that there were representatives from each side present.

Mayor Bell opened the public hearing.

Testimony from Staff

Dennis Doty, of City/County Planning Department, briefed Council on the staff report. He stated the Roberts Group, on behalf of the Durham Board of Education is proposing an expansion to an existing public school to allow a 112-student increase in enrollment at R. N. Harris Elementary School. He noted it includes a 27,500 square foot building addition with permanent classroom space. Also, he requested the staff report, and all attachments and exhibits been entered as evidence. He provided Council with an order granting this use permit with condition.

Testimony from Applicants

Hugh Osteem stated he was present to answer any questions and noted he is excited for the Harris community and the general area.

Amber Farrelly stated she is present to answer any questions.

The Mayor asked if there were any questions for the applicants. There were no questions.

Testimony from Opponent

Ronix Owens, of 1026 Bacon Street, stated he does not have any problems with the extension of R. N. Harris. He noted once the applicant builds the addition, it will not be enough classrooms and there still would be trailers on the field. Mr. Owens asked the applicant why one classroom trailer is showing on the plan.

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Mr. Osteem noted it's the applicant's intension to rid the whole site of all mobile classrooms.

Ronix Owens stated if the applicant removes the trailer, he would agree with the plan.

Staff Recommendation

Dennis Doty, of City/County Planning Department, noted staff is recommending approval of the major use permit with the condition the project shall be completed in accordance with the approved site plan. Also, he asked the applicant if they would be willing to remove all trailers at the end of construction.

Hugh Osteem, representing the applicant, replied yes.

Dennis Doty, of the City/County Planning Department, noted a second condition has been added to remove all classroom trailers at the end of construction. Also, he noted staff is requesting that it be a condition on the use permit and would provide Council with an amended ordinance.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve a Major Use Permit for an expansion to an existing public school to allow a 112 student increase in student enrollment; and

To adopt an order granting, upon certain conditions, a Major Special Use Permit for Durham Public Schools, Case M02-02 as amended [All classroom trailers shall be removed at the end of construction] was approved at 10:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12698

**SUBJECT: MAJOR SITE PLAN - R.N. HARRIS ELEMENTARY SCHOOL
EXPANSION D02-368 – B & F CONSULTING – BACON AND
COOPER STREETS**

To approve a Major Site Plan for a 27,500 square foot addition to an existing public school on a 20.165 acre site located at the corner of Bacon and Cooper Streets.

Dennis Doty, of the City/County Planning Department, reminded Council that the site plan shows one trailer remaining that was removed during the discussion for the major special use permit.

Frank Duke, City/County Planning Director, recommended a clean site plan reflecting removal of all trailers.

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MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to defer this item to the December 2, 2002 City Council Meeting was approved at 10:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[SUPPLEMENTAL AGENDA]

SUBJECT: CONTRACT PROCEDURES AUDIT

To receive a report from the Audit Sub-Committee regarding an audit of the City of Durham's contract procedures.

Wanda Page, Audit Services Director, provided Council with a draft report performed by Audit Services Department.

Council Member Best requested that this item be referred to the November 21, 2002 City Council Work Session.

MOTION by Council Member Best seconded by Council Member Edwards to refer this item to the November 21, 2002 City Council Work Session was approved at 10:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

There being no further business to come before the City Council, the meeting was adjourned at 10:28 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk